

**Notice of the Village of Volente Executive Session  
and Regular Council Meeting,  
Tuesday, October 19, 2010,  
Executive Session at 6:30 PM  
Regular Meeting at 7:00 P.M. at  
VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

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A quorum of the Planning & Zoning Commission and the Board of Adjustments may be present.

**AGENDA**

**6:30 Executive Session:**

- |  |                                       |
|--|---------------------------------------|
| <b>1. Call to order</b>                                      | <b>Mayor Justine Blackmore-Hlista</b> |
| <b>2. Roll Call</b>  | <b>City Secretary</b>                 |
| <b>3. Close Public meeting and go into Executive Session</b> |                                       |

*The Village Council will announce that it will go into Executive Session, if necessary, pursuant to Chapter 551.071 of the Texas Government Code "Consultations with Attorney" to seek his advice on the following pending or contemplated litigation matters including possible settlement offers and legal matters which involve privileged communications between a client and its attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.*

- a. Discussion with the Village Attorney regarding Beaches LTD & Nola LTD vs Village of Volente, Texas and Jan Yenawine.

**4. Close Executive session**

**A. ITEMS OPENING MEETING**

- |   |                                       |
|---|---------------------------------------|
| <b>1. Call to order.</b>  | <b>Mayor Justine Blackmore-Hlista</b> |
| <b>2. Roll Call</b>   | <b>City Secretary</b>                 |
| <b>3. Pledge to the Flag and reading of Village Vision Statement:</b> |                                       |

**B. CITIZEN COMMUNICATIONS:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting. Three (3) minute time limit.

**C. GENERAL BUSINESS AND ACTION ITEMS**

1. Consideration and possible approval:
  - a. of Minutes September 15, 2010, September 21, 2010 & September 30, 2010
  - b. Financial Statement and balance sheet for September 2010
  - c. of client agreement from Scanlan, Buckle & Young
2. Action from Executive Session if any.
3. Receive update from consultant regarding coalition and lobbying efforts on behalf of Lake Travis and Volente (Councilmember Graber)

4. Receive update regarding Pedernales upgrade.(Councilmember Wilder & Graci)
5. Discussion of developing a strategic plan for the Village for 1, 3 and 5 years.(Councilmember Wilder)
6. **Public Hearing** on the proposed zoning ordinance amendment to define and regulate mobile homes and recreational vehicles within the Village.
7. Consideration and possible action on Planning and Zoning recommendation to amend the zoning ordinance to define and regulate mobile homes and work regarding the location and/or use of temporary, manufactured and/or mobile homes on residentially zoned lots.
8. Consideration and possible action finalizing the fall festival/farmer's market.(Councilmember Hammond)

#### **D. Future meeting & agenda items.**

#### **F. Adjourn**

If you have questions or comments, please contact the Village Office at (512) 250- 2075.

*The Village of Volente reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any enforcement of the matters listed above, as authorized by Texas Government Code Sections 551.071 ( Consultation with Attorney), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).*

The Village of Volente is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the Village Office at (512) 250- 2075 at least 48 hours in advance.

I certify that a copy of the \_\_\_\_\_, agenda of items to be considered by the Council of the Village of Volente was posted on the Village Office Window on \_\_\_\_\_.

\_\_\_\_\_  
Jennifer Zufelt, City Secretary

I certify that the attached notice and agenda of items to be considered by the Village Council was removed by me from the Village Office window on \_\_\_\_ day of \_\_\_\_\_, 2010 Jennifer Zufelt, City Secretary\_\_\_\_\_

**Village of Volente Work Session,  
Wednesday, September 15, 2010, 8:00 A.M. at  
VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

A quorum of the Planning & Zoning Commission and the Board of Adjustments may be present.

**MINUTES**

**Work Session: All items for work session were for discussion only. No action was taken.**

**1. Call to order and Roll call.**

Mayor Blackmore-Hlista called the meeting to order at 8:04 PM. The following members were present, Mayor Blackmore-Hlista, Councilmember Scott, Councilmember Graber, Councilmember Hammond, Councilmember Graci and Councilmember Wilder.

**2. Discussion and review of the Deep Water-Intake Due Diligence Study from the BCRUA Board.**

Councilmember Graci gave report to Council of meetings that the BCRUA has had from December 2009 – April 2010.

Discussion on : Site 4 and options

No mention of compliance with VOV ordinances

Site 8 and Site 9

BCRUA reporting under budget for project

Site 4 purchase of Gross Property

No reports in three years

Cost of hiring an independent engineer

No answers to questions from VOV

Letter to be written to BCRUA

Update website of correspondence

Press release will be done by Councilmember Hammond

**3. Future meetings and agenda items**

Next meeting will be work session to review the upgrade by Pedernales through Volente.

**4. Adjourn.**

Councilmember Hammond made a motion to adjourn. Councilmember seconded. The motion carried. Meeting adjourned at 9:10 PM.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF OCTOBER, 2010**

\_\_\_\_\_  
Justine Blackmore-Hlista

\_\_\_\_\_  
Jennifer Zufelt, City Secretary

**Village of Volente Regular Council Meeting,  
Tuesday, September 21, 2010, 7:00 P.M. at  
VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

A quorum of the Planning & Zoning Commission and the Board of Adjustments may be present.

**MINUTES**

**A. ITEMS OPENING MEETING**

- 1. Call to order.** **Mayor Justine Blackmore-Hlista**  
Mayor Blackmore-Hlista called the meeting to order at 7:09 PM
- 2. Roll Call** **City Secretary**  
The following members were present. Mayor Blackmore-Hlista, Councilmember Graci, Councilmember Scott, Councilmember Hammond, Councilmember Wilder and Councilmember Graber.
- 3. Pledge to the Flag and reading of Village Vision Statement:**  
Mayor Blackmore-Hlista led the pledge and Councilmember Wilder read the Vision Statement.

**B. CITIZEN COMMUNICATIONS: None**

**C. GENERAL BUSINESS AND ACTION ITEMS**

- 1. Consideration and possible approval:**
  - a. of Minutes August 17, 2010**  
Councilmember Wilder made a motion to approve the minutes. Councilmember Scott seconded. The motion carried unanimously.  
(At this time Council jumped to item # 2)
  - b. Authorize Mayor to sign Emergency Management Plan for Travis County**
  - c. Financial Statement and balance sheet for August 2010.**  
Councilmember Scott explained the statement to Council saying the balance sheet is still not how he would like it to be formatted and he will look at quick books for changes. Councilman Scott made a motion to approve the reports with Councilmember Wilder seconding. Motion carried unanimously.
  - d. Line item transfer of funds:**  
Councilmember Scott reviewed the overage line items which totaled \$31499.03. Some of the overages were signs, consultants, tree trimming and road maintenance. Councilmember Scott made a motion to take \$10,000 from Line item Water Quality Consultant and \$27,000 from Line Item Attorney, to cover the overages. Councilmember Hammond seconded the motion. The motion carried unanimously.

Line Item	09-10 Budget Amt	Transfer
5120 . Water Quality Consultant	\$10, 000	\$10,000
5100. Attorney	\$48000	\$27,000

**2. Receive update from consultant regarding coalition and lobbying efforts on behalf of Lake Travis and Volente.**

Councilmember Graber and Mayor Blackmore- Hlista gave update from meeting where Tommy Mason spoke and gave history of LCRA. It was reported that several representatives were there from surrounding communities and Bolton, Watson and Howard's offices along with some businesses. Goal is to try to get more business's to join the efforts.

**3. Receive update from consultant Don Rauschuber regarding Pedernales meeting.**

Councilmember Graci and Councilmember Wilder reported that PEC is ready to start the upgrade in Volente and will place poles in the ROW on FM 2769 and on Lime Creek RD.

**4. Discussion and possible action on Planning and Zoning work regarding the location and/or use of temporary, manufactured and/or mobile homes on residentially zoned lots.**

P&Z Commissioner Silvia Brunet-Jones gave update to Council regarding the work they have done on the zoning ordinance stating that they need some additional guidance from Council as to restrictions on RV's. Council will review.  
(Went to agenda item 1c at this time)

**5. Public Hearing on the proposed FY 2010-2011 budget and tax rate. Mayor Blackmore-Hlista opened the public hearing.**

Mayor Blackmore-Hlista opened the Public Hearing. Councilmember Scott explained the budget. No public input. Public hearing was closed.

**6. Consideration and possible action on the proposed FY 2010-2011 budget.**

Councilmember Wilder made a motion to adopt the FY 2010-2011 Budget. Councilmember Hammond seconded the motion. The motion carried unanimously.

**7. Consideration and possible action on the proposed tax rate of .1286% for FY 2010-2011.**

Councilmember Hammond made a motion to approve the tax rate .1286% for FY 2010-2011. Councilmember Graci seconded. The motion carried unanimously.

**8. Consideration and possible action regarding the Energy Efficiency and Conservation Block Grant (EECBG) and selecting a vendor to perform the work.**

Councilman Wilder reported to Council that we have been approved for the Grant and has reviewed the bids and feels that Indoor Weather Professionals, Inc. was the best proposal for the amount of \$23,622.00. Councilmember Graci made a motion to accept the bid proposal from Indoor Weather Professionals, Inc. Councilmember Hammond seconded. The motion carried unanimously.

**9. Discussion and possible action regarding the road repair work for Debbie and West Dr.**

Councilmember Hammond reported that there has been no movement on the bid process for the repairs stating he has a meeting scheduled with Travis County on September 28 and may invite them to bid on the project.

**10. Discussion regarding PEC work within right of way along FM 2769**  
(Councilmember Wilder) This item was discussed along with item # 3

**11. Discussion and possible action regarding road repairs necessitated by recent flash flooding.**

Councilmember Hammond reported damage from the heavy rains to previous road work that was done on Lime Creek RD. The road will be repaired. The purchase of some road barricades and cones will be purchased for use in emergency citations.

**12. Discussion of long term road maintenance priorities.**

Councilmember Hammond will be meeting with Travis County to go over the interlocal agreement and see if they can assist with maintaining roads and signs.

**13. Discussion and possible action regarding fall festival/farmer's market.**

Councilmember Hammond stated the event has been rescheduled for October 23 from 9 – 1. Discussion ensued and Council asked if it could be rescheduled for October 30 and incorporates some Halloween activities for children. Allison Thrash is scheduled to perform so Councilman Hammond will see if she can make the change.

**14. Discussion and possible action to research an ordinance allowing the Village to do work on water quality issues when a landowner does not, and charge the landowner and impose lien if not paid.**

Mayor Blackmore-Hlista asked council to consider an ordinance for enforcement of NPS . Council gave direction to Attorney to draft an ordinance for review next month.

**D. Adjourn.**

Councilmember Wilder made a motion to adjourn. Councilmember Hammond seconded. Motion carried unanimously. Meeting adjourned at 9:25 PM.

PASSED AND APPROVED THIS    DAY OF OCTOBER.

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Justine Blackmore-Hlista, Mayor

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Jennifer Zufelt, City Secretary

**Village of Volente Special Called Council Meeting,  
Thursday, September 30, 2010, 7:00 P.M. at  
VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

A quorum of the Planning & Zoning Commission and the Board of Adjustments may be present.

**MINUTES**

**A. ITEMS OPENING MEETING**

- 1. Call to order.** **Mayor Blackmore-Hlista**  
Mayor Justine Blackmore-Hlista called the meeting to order at 7:07 PM
- 2. Roll Call** **City Secretary**  
Those present were Mayor Blackmore-Hlista, Councilmember's Graci, Wilder, Scott, Graber and Hammond.
- 3. Consideration and possible action on the proposed Pedernales upgrade route in Volente.**  
Councilmember Wilder presented to Council and public the proposed route for the upgrade. Much discussion ensued between citizens Council and PEC representatives. Consultant Don Rauschuber summarized the meeting and asked what the Village and citizens wished for:
  - a. Seek a definite answer from Fish and Game for the possibility of routing it around the preserve.
  - b. All citizens to be made aware of the location of poles and how it will affect them
  - c. See the complete route plan before starting the upgrade
  - d. Is there a need for separate agreements for the project?
- 4. Discussion and possible action on proposed zoning language regarding Recreational Vehicles.**  
Councilmember Hammond made a motion to table this agenda item.  
Councilmember Graber seconded. Motion passed unanimously. Tabled
- 5. Discussion and possible action regarding Debbie Street and West Dr repairs.**  
Councilman Hammond reported that he had met with Travis County engineer Don Ward and the plans were reviewed and the site visited. Waiting to hear back from Travis County.
- 6. Consideration and possible action on contracting Arbortex for tree trimming problem areas in Volente.**  
Councilman Hammond reported that Arbortex will be trimming the trees on Lime Creek RD for the fee of \$1600.00.
- 7. Discussion of schedule for fall festival/farmers market.**



Councilman Hammond updated Council that a banner and signs have been ordered and a postcard will go out next week. The final date is October 23 from 9:00 Am to 1:00 PM.

**8. Adjourn.**

Councilmember Graci made a motion to adjourn. Councilmember Hammond seconded. The motion was approved unanimously. Meeting adjourned at 8:50 PM.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF OCTOBER, 2010

\_\_\_\_\_  
Justine Blackmore-Hlista, Mayor

\_\_\_\_\_  
Jennifer Zufelt, City Secretary

# Village of Volente Income & Expense October 2009 through September 2010

		Oct '09 - Sep 10
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
1030 · Savings account 7/8/10		126.72
4010 · Real Property Tax - Current Yr		190,143.31
4020 · Penalties & Interest		1,503.44
4025 · Grants		0.00
4030 · Mixed Beverage Sales Tax		4,555.58
4040 · Franchise Fees		27,809.68
4050 · Sales & Use Taxes		30,500.92
4400 · Building Review Fees.		9,844.50
4402 · Sign Permit Fees		1,460.00
4800 · Noise Study		11,921.56
4805 · PY A/P Auditor Adjustment		0.00
4930 · Parkland Fee Account		14,224.41
4999 · Uncategorized Income		4,741.45
<b>Total Income</b>		<b>296,831.57</b>
<hr/>		
<b>Gross Profit</b>		
		296,831.57
<b>Expense</b>		
10000 · Bank service charges		90.94
5020 · Wages Reg Employees		41,596.80
5025 · Part Time Office Assistant		4,392.00
5026 · Employment Taxes		3,445.16
5027 · Payroll Services		849.62
5028 · Emp Benefits Ins		5,734.44
5100 · Attorney		25,585.59
5113 · Development Inspection Serv Rei		5,590.00
5114 · Development Plan Review Reimb		7,882.81
5115 · Professional Services Non Reimb		11,851.50
5121 · Contract Police Services		2,730.00
5122 · Code Enforcement Wages		5,712.50
5125 · Audit		5,500.00
5127 · Tax Collection - Travis Co		744.97
5128 · Advertising/Public Notices		980.27
5130 · Code/Legislative Consultant		17,075.00
5136 · Noise Consultant		12,117.63
5137 · Comp Plan Consultant		3,000.00
5211 · Events		205.81
5212 · Office Supplies - General		1,313.04
5213 · Office Supplies printing		2,858.89

**Village of Volente  
Income & Expense  
October 2009 through September 2010**

	Oct '09 - Sep 10
5214 · Office Supplies - Postage	792.13
5216 · Equipment Rental	3,279.45
5217 · Office Equipment & Furniture	150.30
5218 · Website Maintenance	125.00
5219 · Books & Publications	142.00
5220 · Dues, Fees, & Subscriptions	772.00
5221 · Firehall Rental	1,001.25
5222 · Utilities - Electric	1,429.03
5223 · Telephone Internet	1,758.42
5240 · Insurance, Liab/workers comp	2,064.42
5260 · ROW Herbicide	725.00
5261 · Mowing	576.00
5262 · Roads & ROW	7,616.00
5263 · Street Signs (New & Repairs)	4,915.09
5264 · Tree Trimming	13,100.00
5266 · Energy Grant Project	14,173.00
5281 · Training & Ed - St	715.00
5282 · Training & Ed - Council	308.95
66901 · *Reconciliation Discrepancies	-2.73
<b>Total Expense</b>	<b>212,897.28</b>
<b>Net Ordinary Income</b>	<b>83,934.29</b>
<b>Other Income/Expense</b>	
Other Income	55,000.00
Other Income	55,000.00
<b>Total Other Income</b>	
<b>Net Other Income</b>	<b>55,000.00</b>
<b>Net Income</b>	<b>138,934.29</b>

9:08 AM  
10/19/10  
Accrual Basis

**Village of Volente**  
**Revenue & Expenditures**  
**September 2010**

	<u>Sep 10</u>
Ordinary Income/Expense	
Income	
1030 · Savings account 7/8/10	126.72
4010 · Real Property Tax - Current Yr	56.36
4020 · Penalties & Interest	2.43
4040 · Franchise Fees	508.38
4050 · Sales & Use Taxes	5,988.93
4402 · Sign Permit Fees	250.00
4999 · Uncategorized Income	350.00
Total Income	<u>7,282.82</u>
Gross Profit	7,282.82
Expense	
5020 · Wages Reg Employees	3,466.40
5026 · Employment Taxes	265.18
5027 · Payroll Services	74.50
5028 · Emp Benefits Ins	468.87
5100 · Attorney	3,437.50
5113 · Development Inspection Serv Rei	1,305.00
5114 · Development Plan Review Reimb	240.00
5121 · Contract Police Services	770.00
5128 · Advertising/Public Notices	126.01
5130 · Code/Legislative Consultant	4,500.00
5212 · Office Supplies - General	151.45
5213 · Office Supplies printing	817.92
5216 · Equipment Rental	277.20
5217 · Office Equipment & Furniture	120.00
5218 · Website Maintenance	125.00
5221 · Firehall Rental	450.00
5222 · Utilities - Electric	235.89
5223 · Telephone Internet	148.46
5262 · Roads & ROW	1,400.00
5264 · Tree Trimming	1,600.00
5266 · Energy Grant Project	14,173.00
Total Expense	<u>34,152.38</u>
Net Ordinary Income	<u>-26,869.56</u>
Net Income	<u><u>-26,869.56</u></u>

9:13 AM  
10/19/10  
Accrual Basis

**Village of Volente**  
**Balance Sheet**  
**As of September 30, 2010**

	<u>Sep 30, 10</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
1010 · General Fund -Capital One	7,780.63
1020 · 4677 Parkland fee acct	61,250.00
1040 · Savings Account 7/08/10	500,126.72
<b>Total Checking/Savings</b>	<u>569,157.35</u>
<b>Total Current Assets</b>	<u>569,157.35</u>
<b>TOTAL ASSETS</b>	<u><b>569,157.35</b></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 · Accounts Payable	8,729.67
<b>Total Accounts Payable</b>	<u>8,729.67</u>
<b>Total Current Liabilities</b>	<u>8,729.67</u>
<b>Total Liabilities</b>	<u>8,729.67</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>8,729.67</b></u>

9:13 AM  
10/19/10  
Accrual Basis

**Village of Volente**  
**Balance Sheet**  
**As of September 30, 2010**

Sep 30, 10

**ASSETS**

**Current Assets**

Checking/Savings	
1010 - General Fund -Capital One	7,780.63
1020 - 4677 Parkland fee acct	61,250.00
1040 - Savings Account 7/08/10	500,126.72
Total Checking/Savings	569,157.35

Total Current Assets 569,157.35

**TOTAL ASSETS** **569,157.35**

**LIABILITIES & EQUITY**

**Liabilities**

**Current Liabilities**

Accounts Payable	
2000 - Accounts Payable	8,729.67
Total Accounts Payable	8,729.67

Other Current Liabilities	
2005 - A/P Auditor Adj	-6,266.71

Total Other Current Liabilities -6,266.71

Total Current Liabilities 2,462.96

Total Liabilities 2,462.96

**Equity**

3510 - Fund Balance Designated	80,118.02
3900 - Retained Earnings	350,079.45
Net Income	136,496.92

Total Equity 566,694.39

**TOTAL LIABILITIES & EQUITY** **569,157.35**

# SCANLAN, BUCKLE & YOUNG, P.C.

ATTORNEYS AT LAW

W. THOMAS BUCKLE

DOUG YOUNG

DAVID SANDER

WILLIE SCHMERLER\*

\*Board Certified Specialist

Personal Injury Trial Law

602 WEST 11 STREET

AUSTIN, TEXAS 78701-2099

Telephone (512) 478-4651

Telecopier (512) 478-7750

WEBSITE: [www.sbylaw.com](http://www.sbylaw.com)

Sender's e-mail: [tbuckle@sbylaw.com](mailto:tbuckle@sbylaw.com)

October 12, 2010

LINDA CANGELOSI

JEFFREY TIPPENS

Retired:

JOHN McALLEN SCANLAN

Of counsel:

ELLIOTT NAISHTAT

The Honorable Justine Blackmore-Hlista  
Mayor, Village of Volente  
15403 Hill Street  
Volente, Texas 78641

Re: Contract for Legal Services for the Village of Volente, Texas for the 2010-2011 fiscal year.

Dear Mayor Blackmore-Hlista:

This letter is the contract between the Village Council and Scanlan, Buckle & Young, P.C. for the provision of legal services to the Village of Volente during fiscal year 2010-2011 and the fees to be charged for those services.

Pursuant to this Contract, our fees for legal services rendered to the Village of Volente are as follows:

Retainer Fee: None.

Legal Fees for Attorneys, Law Clerks and Legal Assistants for all Non-Litigation Matters and Litigation before the Municipal Court in Non-Traffic Related Matters:

Senior Attorneys (licensed more than five years).....\$150.00 per hour

Associate Attorneys (licensed less than two years)..... 125.00 per hour

Law Clerks and Legal Assistants (substantive work)..... 60.00 per hour

Law Clerks and Legal Assistants (clerical work)..... 35.00 per hour

Hourly Legal Fee Rates for Attorneys, Law Clerks and Legal Assistants in Litigation Matters in the County and District Courts involving amounts in controversy of less than \$100,000.00 or which do not involve equitable relief:

Senior Attorney (licensed more than five years).....\$150.00 per hour

Associate Attorneys (licensed less than two years)..... 125.00 per hour

Law Clerks and Legal Assistants (substantive work)..... 60.00 per hour

Law Clerks and Legal Assistants (clerical work)..... 35.00 per hour

Hourly Legal Fee Rates for Attorneys, Law Clerks and Legal Assistants in Litigation Matters in the County and District Courts involving amounts in controversy in excess of \$100,000.00 or which involve equitable relief:

Senior Attorney (licensed more than five years)..... \$175.00 per hour

Associate Attorneys (licensed less than two years)..... 150.00 per hour

Law Clerks and Legal Assistants (substantive work)..... 75.00 per hour

Law Clerks and Legal Assistants (clerical work)..... 40.00 per hour

Except for matters in litigation (litigation being defined as beginning work on the initial pleadings if the Village is a Plaintiff and beginning work on the first responsive pleading if the Village is a Defendant), prior approval will be obtained from the Village for any specific research or other project in which we anticipate the legal fees will exceed \$1,000.00 in any one month.

**If at any time you or members of the Village Council have any questions or comments regarding our fees or their reasonableness or the necessity of the work we have done, we encourage you to contact us and we agree to work in good faith to resolve any issues regarding our fees.**

All disbursement costs incurred by the firm on behalf of the Village (such as court and administrative filing fees, depositions, transcripts, postage or freight, transportation, copying, facsimile, long distance charges, fees for service of process and subpoenas, etc.) will be paid by the Village. Detailed statements for legal services rendered will be sent to the Village on a regular monthly basis. Bills will be due and payable within twenty (20) days after receipt.

If it is necessary to adjust any of these rates, we will first discuss that matter with the Village Manager and if the Village agrees to the adjustment, we will advise you in writing at



least thirty (30) days prior to the effective date of the increase. The rates stated above will be effective from October 1, 2009 through September 30, 2010.

The Village may terminate this agreement with or without cause upon written notice to our firm. All papers and property in our possession to which the Village is entitled shall be returned to the Village immediately upon termination of this agreement. This firm may terminate this agreement for reasons permitted under the Texas Disciplinary Rules of Professional Conduct.

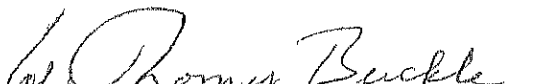
Nothing contained in this agreement shall be interpreted to limit the professional obligations of attorneys within this firm under the Texas Disciplinary Rules of Professional Conduct.

The State Bar Act provides that you are to be advised that the State Bar of Texas investigates and prosecutes professional misconduct committed by Texas attorneys. Although not every complaint against or dispute with a lawyer involves professional misconduct, the State Bar Office of General Counsel will provide you with information about how to file a complaint. For additional information please call (toll free) 1-800-932-1900.

We look forward to serving you.

Sincerely,

SCANLAN, BUCKLE YOUNG, P.C.

By:   
W. Thomas Buckle

ACCEPTED:

VILLAGE OF VOLENTE

By: \_\_\_\_\_  
Justine Blackmore-Hlista, Mayor  
Village of Volente, Texas

Date: \_\_\_\_\_

## Village of Volente

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**From:** Ken Beck [kbeck@thecypresscreek.com]  
**Sent:** Thursday, October 07, 2010 9:53 AM  
**To:** Village of Volente  
**Cc:** kbeck@2cypresscreek.com  
**Subject:** Request for Village legal opinion

Jennifer, at last night's Planning and Zoning commission meeting we again discussed our recommendations to the Village Council on a new ordinance to restrict the use of campers and RV:s as living sites in the village. During that discussion two additional points came up that I would like you to refer to our village legal team for their opinion and recommendation.

1. There is a desire to craft the ordinance such that the owner of a camper or RV can only store and/or use their unit on a lot that is owned or rented by the owner of the camper, and that is also the principal residence of the owner of the camper. Therefore this would not allow the owner of a camper to store their unit on a lot that they own but that is not their principal residence. Can we lawfully put in place that restriction?
2. There is also a desire that if we cannot put the restriction in place as posed in point one above that the ordinance restrict the owner of a camper or RV to only be able to store the unit on an IMPROVED lot, meaning a lot that is buildable, that has utilities already run to it. Our question is - can we add to our ordinances the definition of "IMPROVED LOT" and is there a standard acceptable definition for this.? Second, can we reasonable add this as a restriction - that a unit only be able to be stored on an improved lot?

The overriding intent of P&Z is to establish an ordinance that restricts our village residents from renting a camper or RV as a permanent residence to any and all persons. Secondly, to reasonable restrict the use of campers and RVs as a temporary living facility, and third to protect the village property owners and their property values.

Thanks,

Ken Beck  
Vice President of Operations  
Beyond Illusion, Inc.